IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 1717 of 1998

Between:

M/s Sairam Stones & Tiles Rep.by its Proprietor J.Phani Venu

S/o Rameswara Rao R/o Yerrupalem, Khammam District.

... PETITIONER

AND

1 A.P.State Financial Corporation, Khammam Branch, Rep. by its

Branch Manager, 6-2-107, Jammibanda Road, Khammam

District

2 A.P.State Financial Corporation, Rep. by its Managing Director,
Chirag Ali Lane, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ or Direction preferably Writ of Mandamus declaring the sale notification issued by the 1st respondent published in the local Eenadu News paper dt.16-1-98 to the extent of petitioners Unit i.e., Sl.No.4 M/s Sairam Stones and Tiles situated at Yerrupalem Khammam District is illegal, arbitrary and Violative of principles of natural justice.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondents: MS.Y.N.LOHITA (SC FOR AP FINANCE CORP)

The Court made the following:

ORDER:

This writ petition is filed seeking Mandamus declaring the sale notification issued by the first respondent, published in the local Eenadu Newspaper dated 16-01-1998 to the extent of petitioner's unit i.e. Sl.No.4, M/s Sairam Stones & Tiles situated at Yerrupalem, Khammam District, as illegal and arbitrary.

2. Petitioner, proprietor of M/s. Sairam Stones and Tiles, states that he installed the said unit with the financial assistance of the respondent-Corporation, in the year 1989. It is the case of the petitioner that due to non-release of subsidies, his unit was rendered sick. It is stated that when the respondent-Corporation tried to auction his unit, petitioner preferred W.P.No.5138 of 1995 before this Court. This Court, while admitting the writ petition, by order dated 23-01-1998, granted interim stay of the auction, subject to petitioner depositing a sum of Rs.1,00,000/- on or before 28-01-1998.

3. It is now represented that by the learned Standing Counsel for the Corporation as well as the learned counsel for the petitioner that the interim order passed by this Court directing the petitioner to pay the said sum, is not complied with and no amount is deposited.

Since the petitioner failed to comply with the conditional order dated 23-01-1998 passed by this Court, there is no reason to adjudicate the matter.

Hence, the writ petition is dismissed. No costs.

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N.V. RAMANA, J

February 16, 2005

MRR

`Copy to:

1 Branch Manager, A.P. State Financial Corporation, Khammam

Branch, 6-2-107, Jammibanda Road, Khammam District
2 Managing Director, A.P.State Financial Corporation,

Chirag Ali Lane, Hyderabad.

3 Two C.D. Copies.